

OFFICE OF THE ATTORNEY GENERAL

85-00329

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APR 26 1985

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Executive Director
Alabama Indian Affairs Commission
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Indian Affairs Commission -
Indians

Status of the six Indian
tribes, bands or groups
specifically described in Act
No. 84-257 discussed.

Dear Ms. Weeks:

Your opinion request has been received in the Office
of the Attorney General. Your question was as follows:

are the six Indian tribes, bands or
groups mentioned in Act No. 84-257
required to follow the procedures
established by the Alabama Indian
Affairs Commission in order to
achieve legal recognition?

Act No. 84-257 Section 1(b) states:

(b) The Commission shall be
composed of ten (10) members. All
members of the Commission must reside
in Alabama. Members shall include a
member of the State Senate, appointed
by the Lieutenant Governor, and a
member of the House of Representa-
tives, appointed by the Speaker
of the House of Representatives,

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six (6) Indian representatives from the six (6) tribes, bands, or groups in the State of Alabama, and one (1) member at large. The Governor shall appoint six (6) Indian members from recommendations submitted by each of the six (6) Indian tribes, bands or groups, principally geographically located as follows: The Poarch Band of Creeks of Escambia County, one (1) member; the Mowa Band of Choctaws of Southwest Alabama, one (1) member; the Star Clan of Muscogee Creeks of Pike County, one (1) member; the Echota Cherokees of Alabama, one (1) member; the Cherokees of Northeast Alabama, one (1) member; and the Cherokees of Southeast Alabama, one (1) member. Each of the six identified groups shall have one (1) member. The Commission shall appoint one (1) Alabama resident, who is a member of a federally recognized Indian Tribe, band or group that is not a member of any tribe represented on this Commission. The Governor shall appoint one (1) member at large, who may be Indian or non-Indian; provided, however, that the majority of the members of the Commission shall always be Indian. All above stated tribes, bands, and groups shall be State recognized upon passage of this act. (Emphasis added)

In addition, Section 2 of the Act states:

Section 2. The purpose of this Commission shall be to deal fairly and effectively with Indian affairs; to bring local, state, federal resources into focus for the implementation or continuation of meaningful programs for Indian

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citizens of the State of Alabama; to provide aid for Indians as needs demonstrate; to assist Indian communities in social and economic development; to promote recognition of the right of Indians to pursue cultural and religious traditions considered by them to be sacred and meaningful to the American Indian; and to establish appropriate procedures to provide for legal recognition of any future Indian organization who desires State recognition. (Emphasis added)

Thus, it is the opinion of this office that the six tribes mentioned in the Act are encompassed by the Act and have achieved State recognition. The procedures mentioned in Section 2 of the Act are intended to provide a means of legal recognition for any future Indian organization desirous of the State recognition already achieved by the six (6) tribes mentioned in Section 1 of the legislation.

We hope this response sufficiently answers your question. If we may be of further assistance, please do not hesitate to contact us.

Very truly yours,

CHARLES A. GRADDICK
ATTORNEY GENERAL
By-

A handwritten signature in cursive script, reading "Jean Alexandra Webb".

Jean Alexandra Webb
Assistant Attorney General